



## COLLEGE STATION POLICE DEPARTMENT INFORMATIONAL MEMORANDUM

**TO:** Scott McCollum, Chief of Police  
**FROM:** Lt. Rodney Sigler *RES*  
**REF:** 2015 Use of Force Analysis  
**DATE:** March 16, 2016

*REVIEWED / APPROVED*  
*[Signature]* 4/11/16  
NEED TO MAINTAIN  
CURRENT POLICY TO ENSURE  
ACCURATE ANALYSIS IN THE  
FUTURE. THANKS FOR THE  
DETAILED ANALYSIS TO EXPLAIN  
TEND.

### STATEMENT OF ISSUE:

Chapter 42 Section 6 (d) as well as Section 10(a) of the College Station Police Department Policies and Procedures Manual require an annual analysis of documented uses of force. The following is an analysis of force used by officers and staff in 2015.

### BACKGROUND/DISCUSSION:

In analyzing the data, there are several subsets, which reflect variations of the total number of use of force incidents. For the purpose of this report, a use of force incident is an event or episode during which force was used. The force incident may involve multiple persons, multiple officers, and multiple types of force. For example a felony stop conducted by three officers on a vehicle with four occupants during which all officers involved pointed their weapons at someone is one force incident. The variations may be a result of multiple employees using force on one individual, an employee using multiple types of force on an individual, or a combination of employees using various action of force on groups of people. Though the numbers vary slightly, the data accurately reflects the trends of the department and can be utilized to ensure that the College Station Police Department is engaged in the best practices possible in an effort to reduce use of force instances, injury, and liability concerns. The following more closely dissects the data captured in the use of force incidents to determine any potential trends.

In 2015 there were a total of 102 uses of force incidents involving 125 subjects and 161 employees (63 distinct employees). Use of Force reporting requirements were changed in 2013 so this is the first year to be able to accurately compare the data, since 2014 had the same reporting requirements as 2015. In 2014 there were 107 use of force incidents involving 137 subjects and 188 employees (69 distinct employees). The 2015 use of force is slightly down from 2014 but very similar.

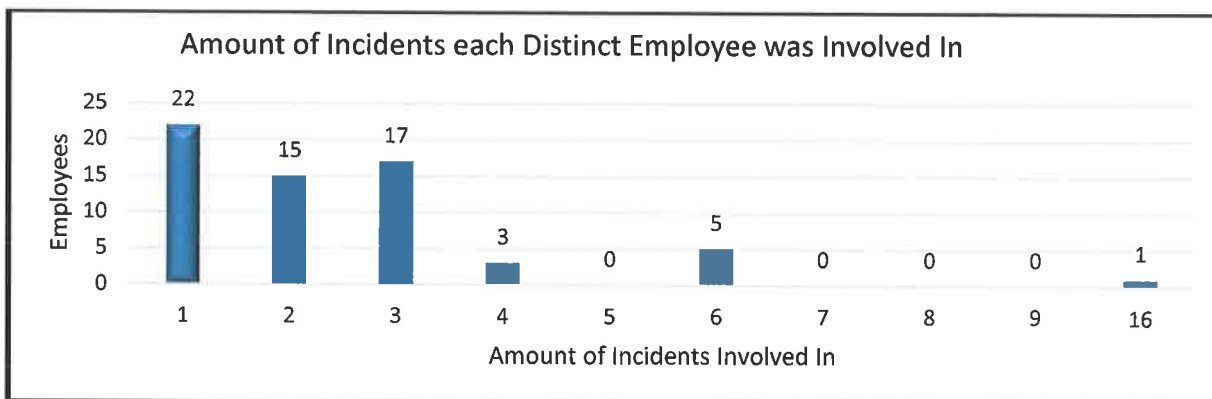
### **Amount of Employees Involved in an Incident**

There were 68 incidents (67%) where there was only one employee involved in using force. Nineteen percent (19 incidents) involved two employees. One incident, was a felony stop on a murder suspect and involved eight different officers pointing firearms at 4 different suspects. 2015 had fewer officers involved in individual force incidents. 2014 had a single officer involved 53% of the time and two officers involved 29% of the time.



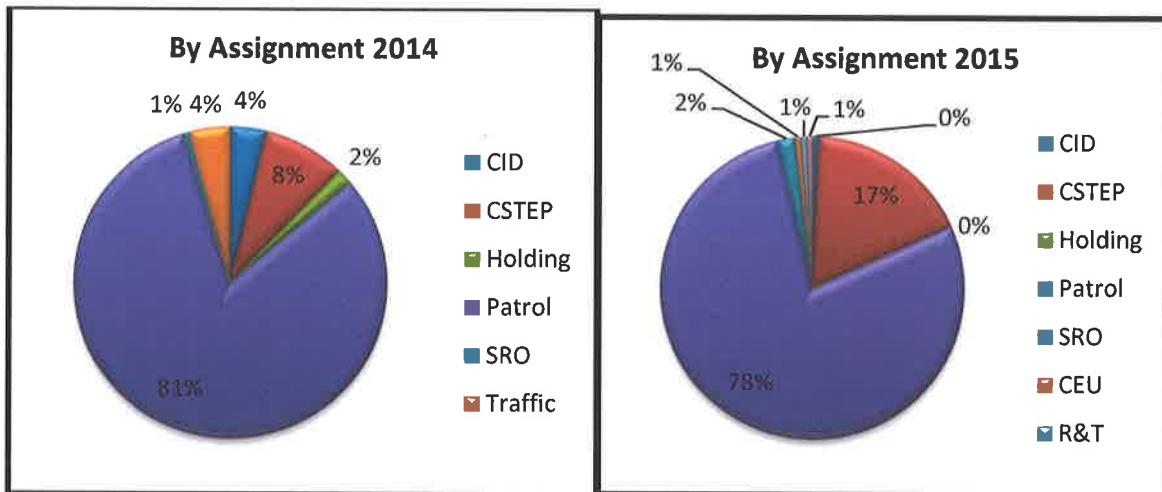
### **Amount of Incidents by Distinct Employees**

In 2015, there were 63 individual employees that were involved in a force incident. Twenty two employees (35%) were only involved in one incident. Fifteen employees were involved in two force incidents, while 17 employees were involved in three force incident through 2015. The most force incidents per employee in 2015 was 6 with five such employees except there was one outlier employee with 16 force incidents in 2015. This employee did activate the early intervention system in March of 2015.



### **By Assignment**

Of the 161 various employee involvements, 78% involved personnel assigned to Uniform Patrol and 17% involved officers assigned to CSTEP. CSTEP involvement is more than twice what it was in 2014 which speaks to the activity level in Northgate...



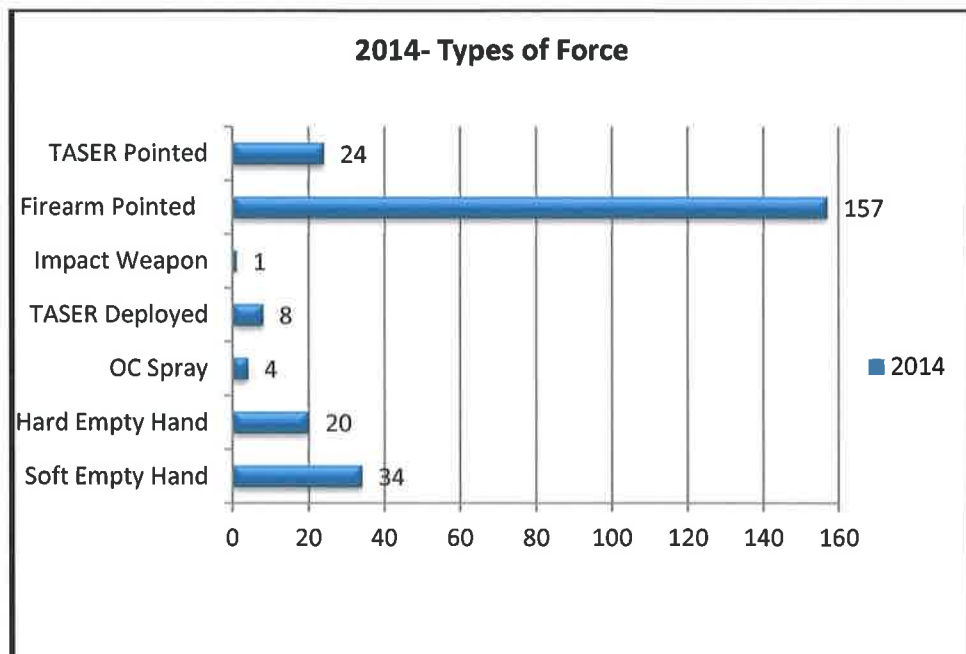
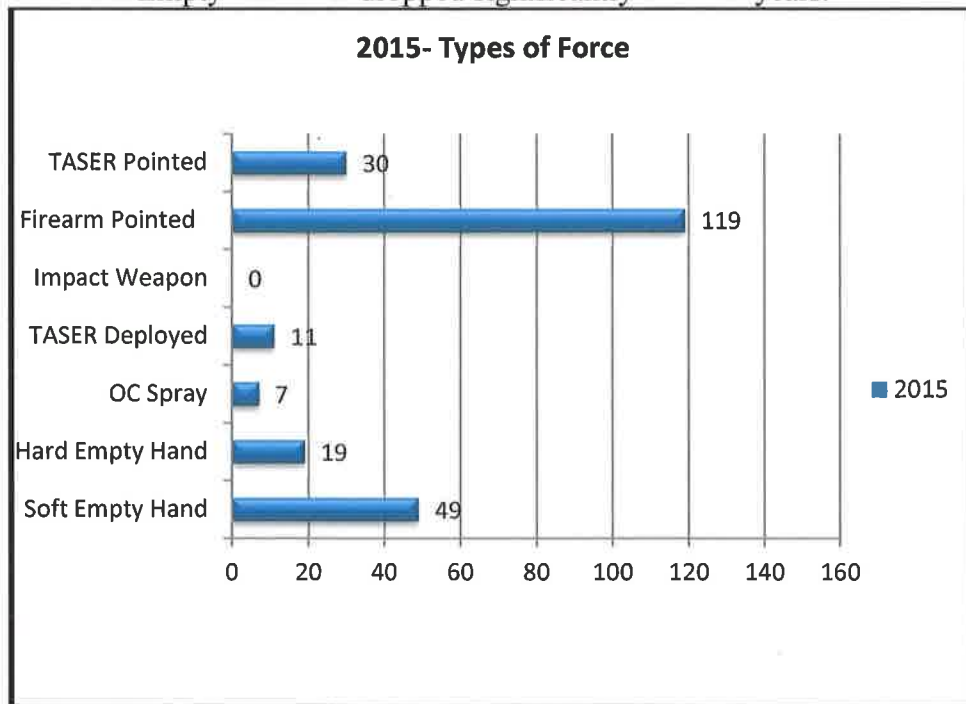
### **Complaints and Disciplinary Action**

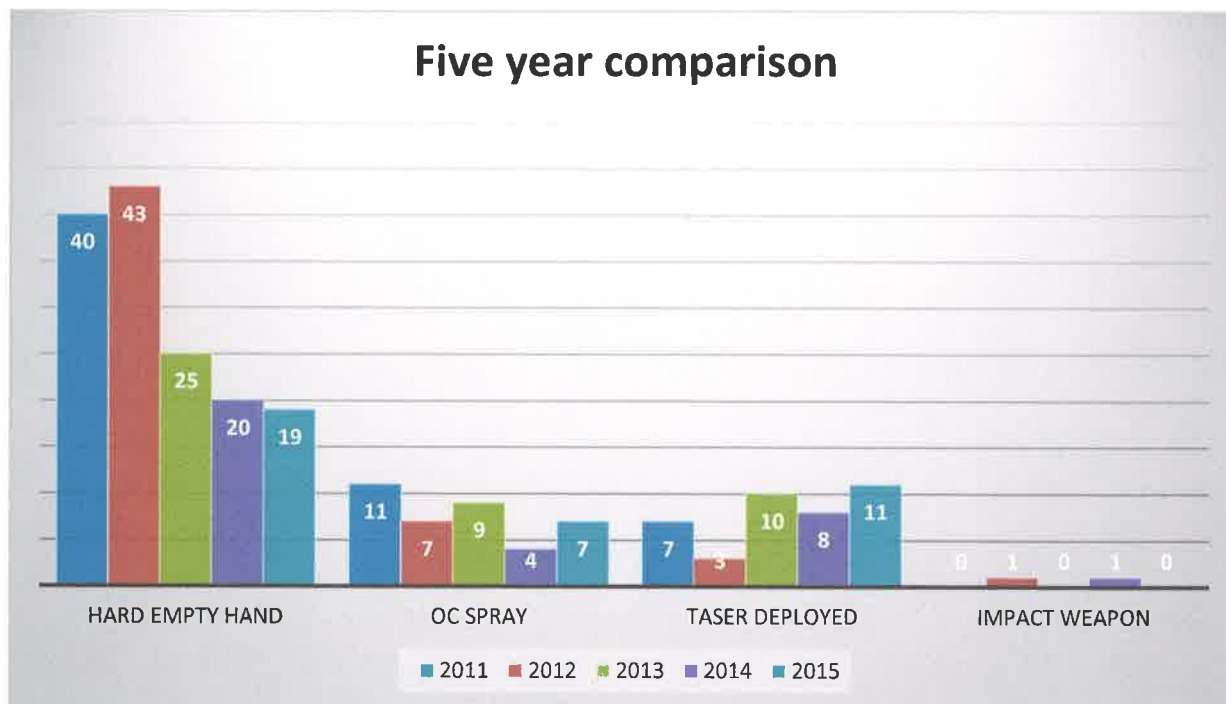
Of the 102 force incidents, there were three incidents that were investigated due to excessive force allegations. One was deemed unfounded, one was closed as no further action and one was exonerated. There were three instances where force was used and found to either not be justified or there was another problem discovered with the use of force and in each of those Documented Counseling was the result. One such use of force was justified but it was discovered that the officer made quick decisions, used poor communication and likely would not have had to use force had he conducted a better investigation. The same officer had another use of force that was not justified where he pointed his handgun at a suspect and blocked the egress as the suspect was leaving in a vehicle. It turned out that it was the correct suspect but the officer had not confirmed this and forced the issue of deadly force by standing in the way of the suspect when he did not have information that would justify such actions. This employee is no longer with the department and resigned under dishonorable conditions during a different investigation. On the third instance an officer pointed a taser at a suspect to gain compliance on a search for contraband and this is not an allowed or justified use of the taser. These three issues were all identified during the chain of command review process that each use of force report goes through.

### **Type of Force Used**

In 2015 the most common use of force was firearm pointed. There were 119 occasions in which officers pointed a firearm at a person which is down from 157 in 2014. With firearm pointed down significantly, taser pointed and taser deployed both went up in 2015. This reflects the growing number of officers being trained and deployed with tasers as a force option. Soft empty hand control was up significantly from 2014 with 49 such incidents in 2015 compared to 34 in 2014. The use of OC spray is up from 4 to 7 and Hard Empty Hand is almost the same. In an examination of a five year comparison looking at OC spray, taser deployment, Hard Empty Hand

and impact weapon the data shows that impact weapons are rarely used. There were only two instances in a five year span. OC spray and taser deployment are fairly consistent over the years and Hard Empty Hand has dropped significantly over the years.



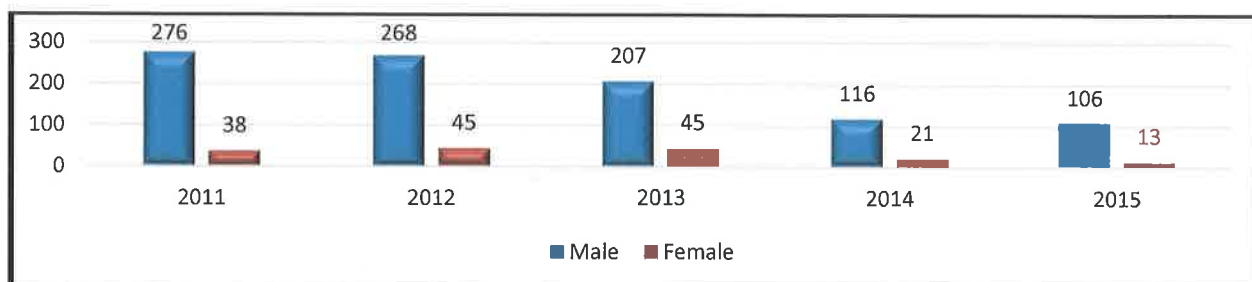


## Injuries

In 2015 there were 34 reported injuries as a result of an employee's use of force. This marks a 26% increase from the 27 reported injuries in 2014. All of the injuries were listed as minor except for two. Minor injuries consisted of taser probes, lacerations, abrasion and bruises as well as complaint of pain. One was listed as moderate and was a bruise and a pretty severe bruise that also burst a blood vessel in the eye. One was listed as major and was a fractured hip socket that was sustained when an officer tackled a suspect who was evading arrest. The use of force was reviewed and found to be justified and appropriate.

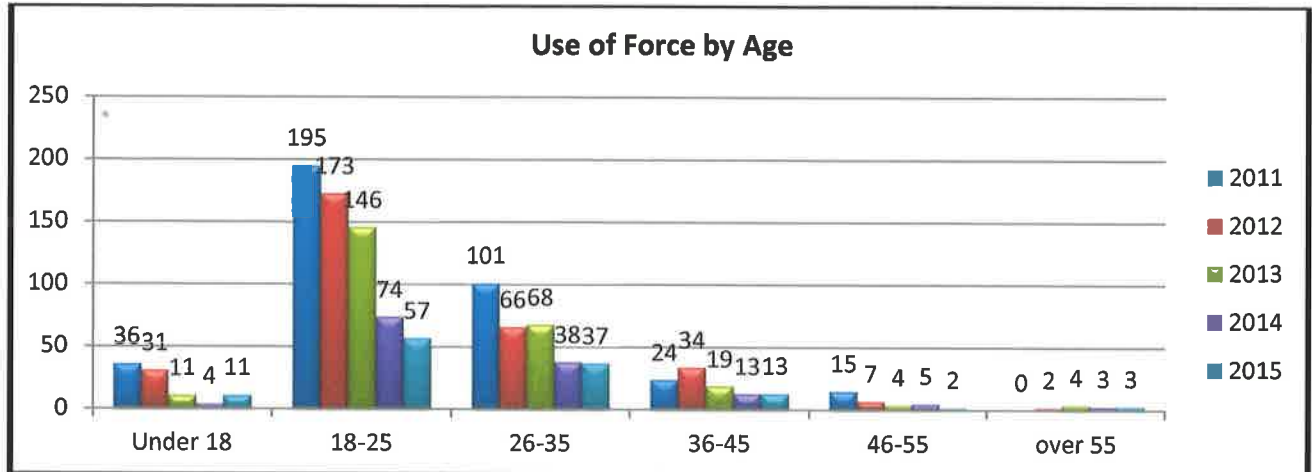
## Gender

In 2015, 89 % of the persons on whom force was used were male. Over the past five years, the percentage of males involved in force incidents has remained relative consistent, ranging from 82% in 2013 to 89% in 2015.



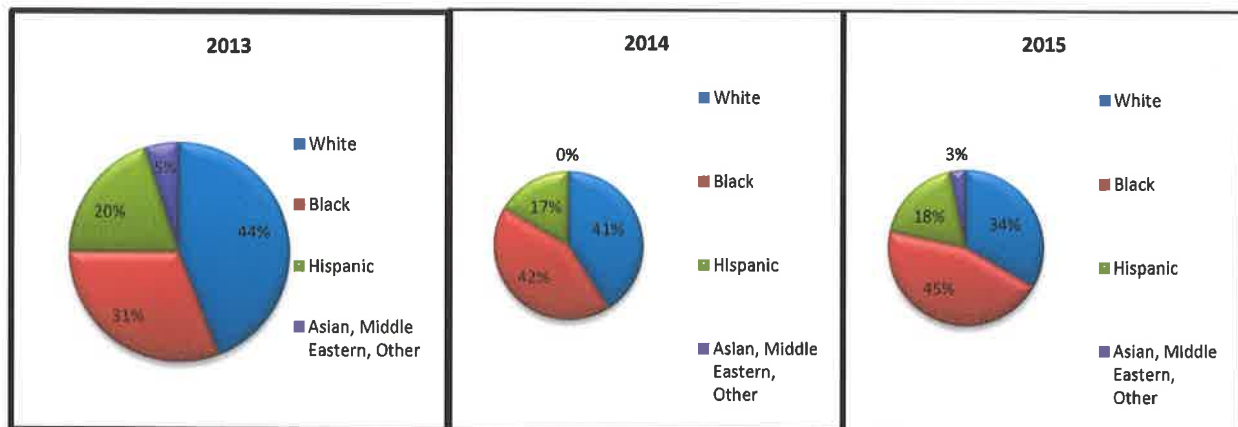
## Age

In 2015, persons between the ages of 18-25 years contributed to 46% of the use of force incidents and is consistent with the data from previous years.

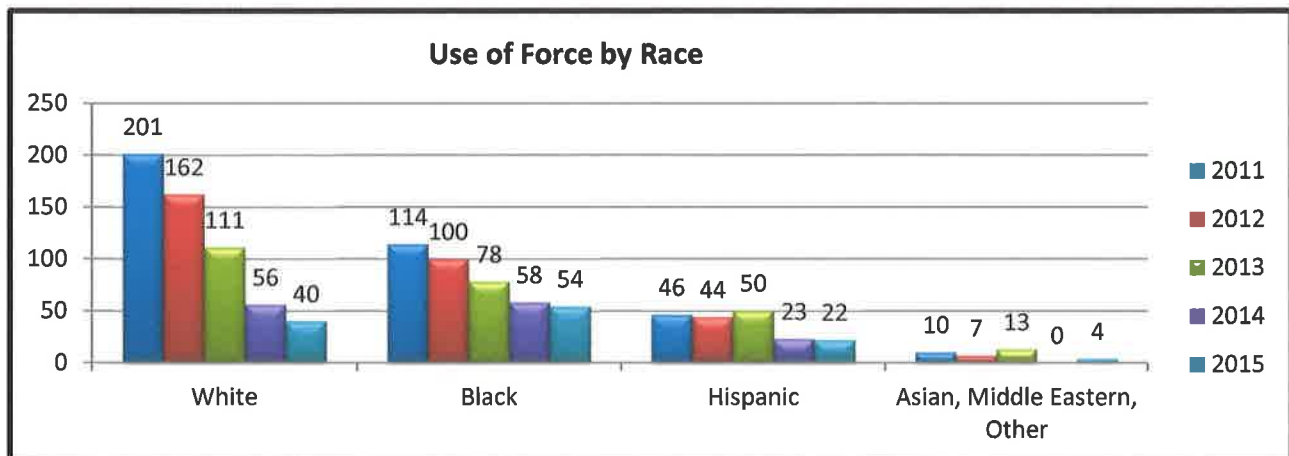


## Race

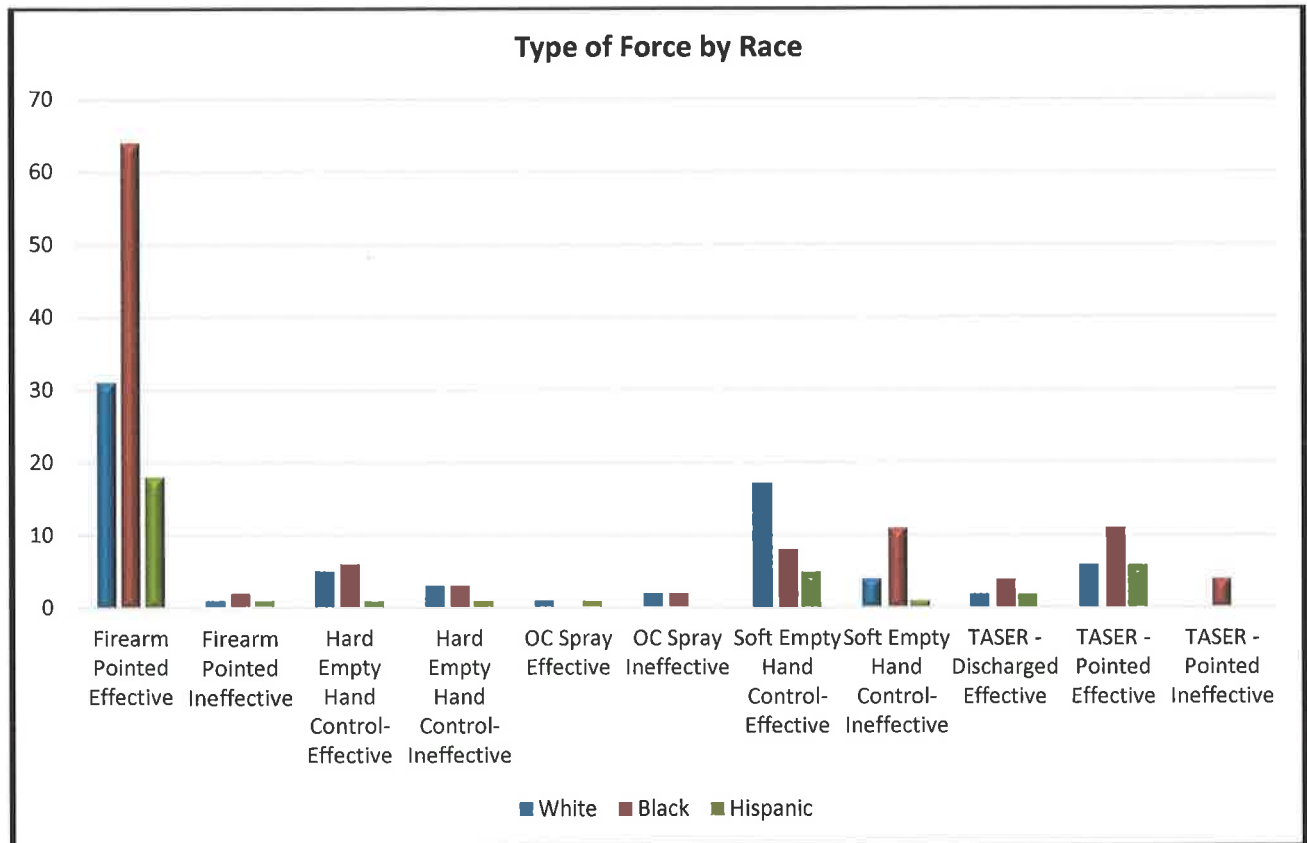
In 45% of reported incidents, force was used on someone classified as black followed by 34 % white. Force used against Hispanic persons was 18% of the total while all others accounted for 3%. Force against Hispanics has remained fairly constant over the past three years while forced against Whites has decreased and force against Blacks has increased. While the percentages of force used has changed the actual force incidents for White, Black and Hispanic all decreased in 2015 compared to 2014. For Whites it went from 56 to 40, Blacks 58 to 54 and Hispanics 23 to 22.



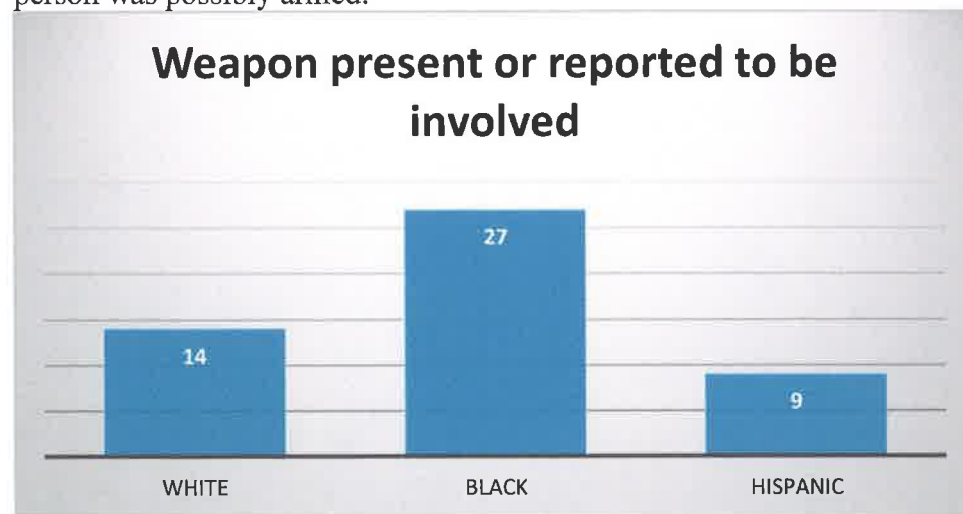




An examination of force types broken down by race shows that 57% of the instances involved a firearm being pointed at someone who is black, while 27% involved white persons and the remaining 16% involved Hispanics. This data is similar to 2014. We must however be careful in looking at the data since one incident can skew the data. On January 16, 2015 Bryan PD contacted CSPD dispatch and relayed that they were following a vehicle that they had been doing surveillance on and believed it to be occupied by a Murder suspect and requested that CSPD conduct a stop on the vehicle. Eight officers responded to the call and conducted the felony stop. There were 4 black occupants in the vehicle. As would be expected in conducting a felony stop of a Murder suspect, all 8 officers were pointing guns at the vehicle and persons in the vehicle. The resulting use of force report indicates 29 instances of pointing a firearm at a Black person. If you remove that incident from the data it will show that firearms pointed at Blacks was 42%, Whites 37% and Hispanic 21%.

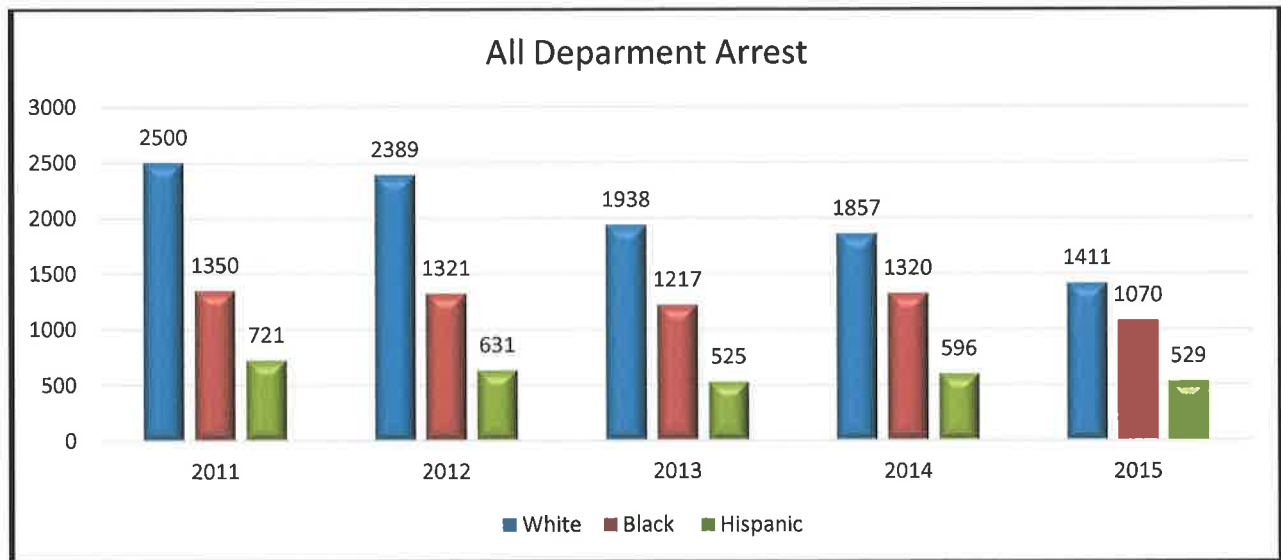


Further analysis by race and subject action, indicates that 53% of instances where a weapon was reported to be involved or a weapon was present during the incident included someone who was Black, while 27% were White and 18% Hispanic. These are calls that you would expect to have more firearms being pointed since the officers received information from someone else that a person was possibly armed.





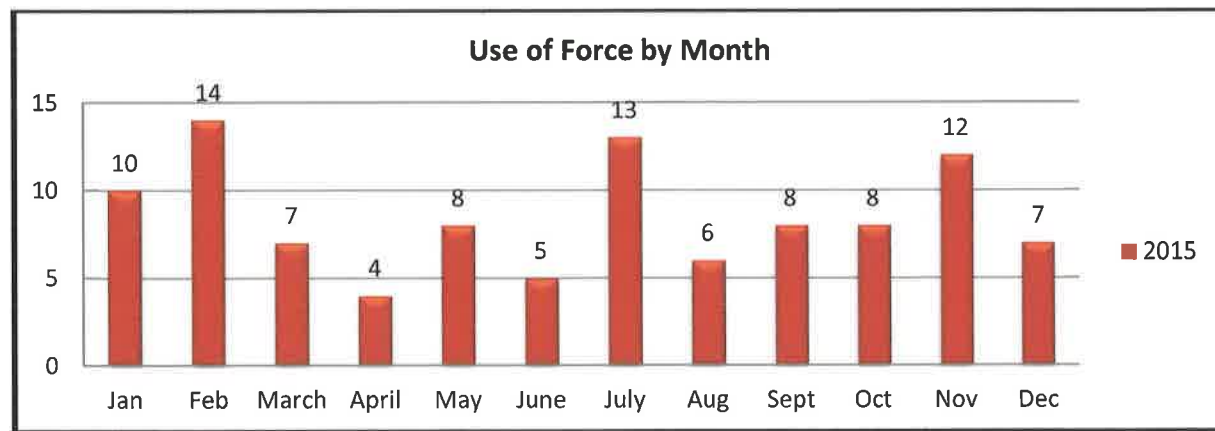
Data related to all arrest by subject race was also examined. Over the past five years, the percentage of persons arrested as it related to race remained fairly consistent. Whites accounted for 47-54% of all arrest, blacks were 30-36% and Hispanics were 14-18%.



Also examined was the racial make-up of the community. Data collected from the 2010 Census shows that College Station is 77% white, 6.8% black and 14% Hispanic. Census data from 2000 showed College Station was 80% white, 5.4% black and 10% Hispanic. While on face value, it appears the percentage of blacks is increasing in College Station, it is not immediate apparent if this may have played a role in the increase percentage of force incidents on blacks.

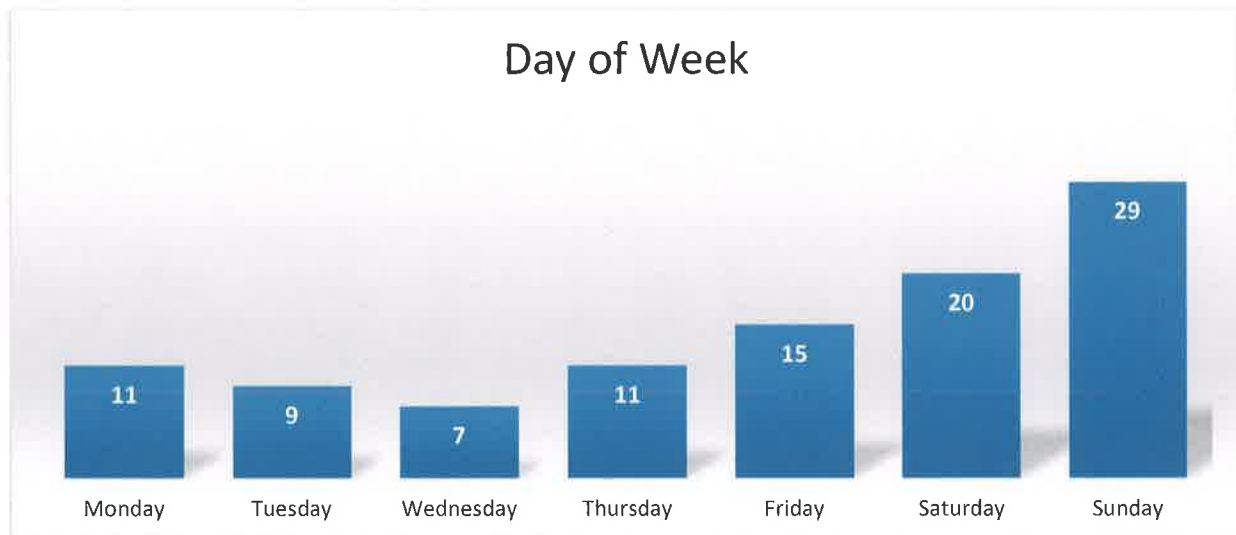
### Month

February had the most force incidents, 14, accounting for 14% of all incidents. April was the lowest month with 4% of the force incidents.



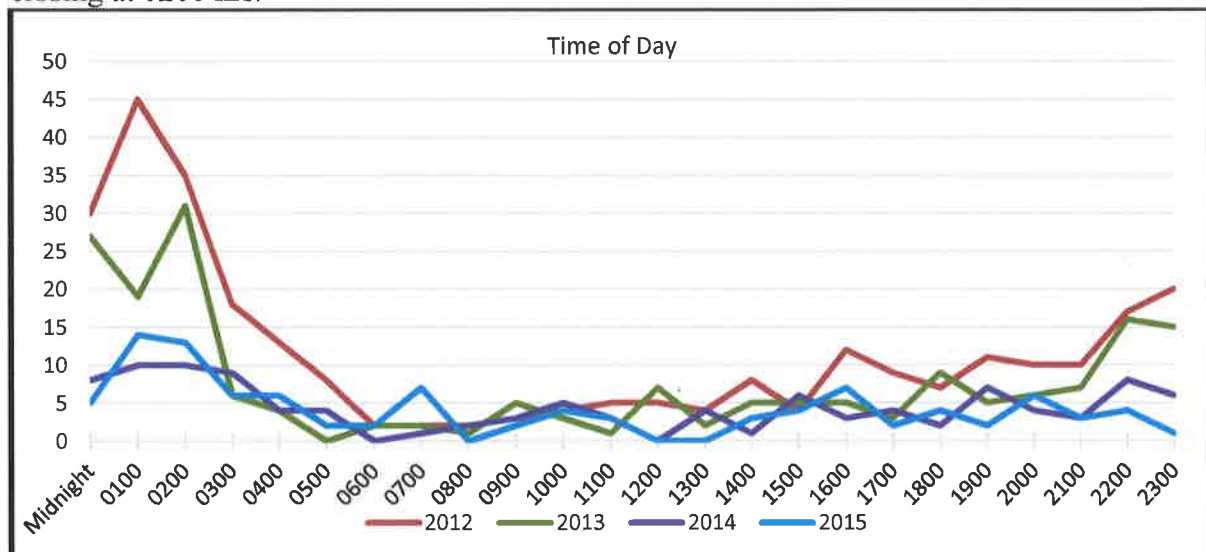
### Day of Week

Almost 50% of the use of force incidents for the entire week occur on Saturday and Sunday. This is consistent with the area of town where most force incidents occur and revolves around establishments that serve alcohol.



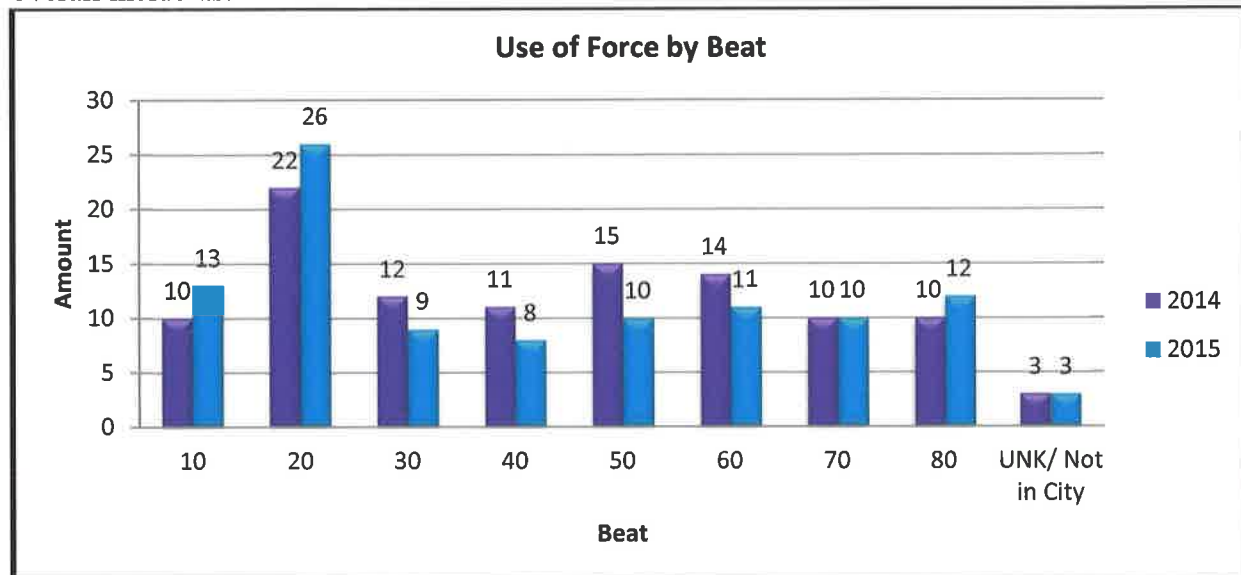
### Time of Day

The time of day for the majority of use of force incidents has been consistent over the years. Between midnight and 0300 is most common time that force is used. This coincides with bars closing at 0200 hrs.



## **Beat**

The Northgate entertainment district continues to have the highest concentration of use of force incidents. Since Northgate is in 20 beat that is the beat with the most incidents with 25% of the overall incidents.



## **Force Incidents Involving Alcohol and/or Drugs**

In 2015, 51% (61) of all reported force incidents involved a person who was under the influence of alcohol or drugs. In 2014, 67 people (49%) were under the influence of drugs or alcohol when force was used against them.

## **Conclusion**

The data indicates that force used in 2015 was consistent in amount and variations with that used in 2014. The data suggest that a force incident is more likely to involve a young male and that 20 beat is the most common area for the incidents to occur. It is also most likely to happen on the weekend and in the early morning hours of Saturday and Sunday. A trend was identified in last year's use of force analysis noting the increase in use of force incidents involving black subjects compared to white subjects. In past years white subjects significantly outnumbered black subjects when it comes to use of force incidents. In 2014 for the first time black subjects outnumbered white subjects on use of force incidents. In 2015 that trend became more pronounced even with the overall numbers of force incidents decreasing. A review of the data suggests some areas that may explain the change to some degree. First we need to look at single incidents that skew the data and that would be things such as the felony stop that I mentioned

previously. One incident that was dispatched to our officers and they handled it appropriately created 29 use of force instances where officers pointed firearms at Black persons. In addition, there were 27 use of force reports involving Black subjects where the officers either observed a weapon on scene or a weapon was reported to them to be involved. There were only 14 such reports involving White subjects and 9 involving Hispanic subjects. This makes it more likely that force is going to be used since pointing firearm is by far the most common use of force.

Since 2014 is the first year to note this trend and 2015 reinforced that trend the question seems to be what is different or unique about these two years. These two years are the first and only two full years with the updated criteria to complete a use of force report. In April 2013 the criteria for when to complete a use of force report changed and removed the requirement for employees to report incidents of soft empty hand control and handcuffing without an arrest unless there was an injury or an alleged injury. It further removed the reporting requirements related to an officer removing their firearm or taser from the holster. To try and see if changing the criteria for use of force changed the overall picture, I manually analyzed the use of force logs for 2012 which is the last full year of the old criteria. The overall use of force among Black, White and Hispanic were 148 White persons, 100 Black persons and 42 Hispanic persons which is 56%, 34% and 14% respectively. I counted force incidents in 2012 that would not have met the criteria for the current use of force reporting requirements and those would be soft empty hand without injury, handcuffing without arrest, and taser displayed. There was no way to remove firearm displayed or unholstered because it was not separated in the data. The category was listed as firearm displayed or pointed. Of the force incidents I could isolate, I determined that there were 127 force instances with White subjects, 59 with Black subjects and 22 with Hispanic subjects which is 61%, 28% and 11% of the totals respectively. The data suggests that White subjects are more represented in the use of force criteria that was eliminated from reporting than were Black subjects.

I looked at the incidents of firearms being displayed or pointed in 2012 in an effort to see if those numbers are consistent with the past two years and it is not possible to make an “apples to apples” comparison since the criteria in 2012 combined displaying and pointing a firearm so I do not know which one it is. This is compared to 2014 and 2015 where the definition is pointing the firearm. I still checked and found the firearm incidents in 2012 to be 60 for White subjects, 45 for Black subjects and 27 for Hispanic subjects. This equates to 45%, 34% and 20% respectively. In an effort to guess how many of the 2012 incidents were firearm displayed and not firearm pointed I equated 2015 firearm pointed incidents minus the one skewing case that I mentioned and that number is 90 with 31 on White subjects and 35 on Black subjects. I subtracted this from the number for 2012 making the assumption that the difference is the firearm displayed. That would lead to a difference of 42. If you then make the assumption that White subjects are represented at the same rate in firearm displayed as they were in the other removed criteria and Black subjects are also represented at the same rate then you would have 25 fewer White subjects firearm pointed for 2012 and 12 fewer Black subjects firearm pointed in 2012. The results would be the adjusted numbers for 2012 being 35 for White subjects and 33 for Black subjects. This shows a modest increase in firearm pointed at Black subjects and modest decrease in firearms pointed at White subjects. This explanation makes several assumptions that may or may not be correct and is not intended to serve as fact but to offer what may be a possible explanation for a dramatic shift in percentages over the past two years when it comes to force

used and race of subjects who force is used on. The data is currently being entered into a software program that offers much more flexibility in the future for analyzing data and determining probable causal factors for changes in force incidents.

I have reviewed our use of force policy and observed the procedures that our officers are following. Overall it appears that the use of force system in place is working well. Overall force is down slightly, tasers are being utilized more as a force option and more than 97% of force reviewed was justified. The three cases that were identified as not being justified or needed corrective measures were identified in the review process as intended and addressed.

### **Recommendation**

I have no recommendation of changes at this point.